

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY McCAMEY,	)	CASE NO. C07-0013-RSM-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER TO SHOW CAUSE AND
	)	ADVISE AS TO CURRENT
SNOHOMISH COUNTY JAIL, et al.,	)	ADDRESS
	)	
Defendants.	)	
_____	)	

Defendants' Motion for Summary Judgement (Dkt. 26) is now pending before the Court. Plaintiff failed to respond to this dispositive motion. Also, although transferred from Snohomish County Jail into the custody of the Washington State Department of Corrections on April 17, 2007 (*see* Dkt. 21, ¶ 8), plaintiff has not advised the Court as to his current address. Accordingly, the Court hereby finds and ORDERS:

(1) Pursuant to Local Civil Rule 7(b)(2), a party's failure to file necessary documents in opposition to a motion for summary judgment may be deemed by the Court to be an admission that the motion has merit. Also, as the Court previously advised:

A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

01 Rule 56 tells you what you must do in order to oppose a motion for summary  
 02 judgment. Generally, summary judgment must be granted when there is no genuine  
 03 issue of material fact -- that is, if there is no real dispute about any fact that would  
 04 affect the result of your case, the party who asked for summary judgment is entitled  
 05 to judgment as a matter of law, which will end your case. When a party you are suing  
 06 makes a motion for summary judgment that is properly supported by declarations (or  
 07 other sworn testimony), you cannot simply rely on what your complaint says. Instead,  
 08 **you must set out specific facts in declarations, depositions, answers to  
 09 interrogatories, or authenticated documents, as provided in Rule 56(e), that  
 10 contradict the facts shown in the defendant's declarations and documents and  
 11 show that there is a genuine issue of material fact for trial. If you do not submit  
 12 your own evidence in opposition, summary judgment, if appropriate, may be  
 13 entered against you. If summary judgment is granted, your case will be  
 14 dismissed and there will be no trial.**

09 *Rand v. Rowland*, 154 F.3d 952, 962-963 (9th Cir. 1998) (emphasis added). As such, plaintiff is  
 10 ordered to show cause on or before **July 23, 2007** why defendants' summary judgment motion  
 11 should not be granted. Defendants may submit a reply to plaintiff's submission on or before **July**  
 12 **27, 2007** and their motion for summary judgment is renoted for consideration as of that same date.

13 (2) Local Civil Rule 41(b)(2) requires plaintiff to keep the Court and opposing parties  
 14 advised as to his current address. "If mail directed to a pro se plaintiff by the clerk is returned by  
 15 the post office, and if such plaintiff fails to notify the court and opposing parties within sixty days  
 16 thereafter of his current address, the court may dismiss the action without prejudice for failure to  
 17 prosecute." CR 41(b)(2). Plaintiff is, therefore, also ordered to promptly advise the Court and  
 18 defendants as to his current address. His failure to do so may result in the dismissal of this case.  
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20 <sup>1</sup> Defendants provided an address for plaintiff, at the Washington Corrections Center in  
 21 Shelton, Washington, in the Certificate of Service attached to their summary judgment motion.  
 22 (See Dkt. 26 at 20.) There is no indication defendants' motion was returned as undeliverable. As  
 such, until advised otherwise by plaintiff, the Court will update the docket to reflect the address  
 identified by defendants and will direct this Order and any subsequent Orders to that address.

01 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
02 defendants, and to the Honorable Ricardo S. Martinez.

03 DATED this 14th day of June, 2007.

04 

05 Mary Alice Theiler  
06 United States Magistrate Judge